

Fill in this information to identify your case:

United States Bankruptcy Court for the:

Western District of Texas

Case number (If known): _____ Chapter you are filing under:

- ☐ Chapter 7
☒ Chapter 11
☐ Chapter 12
☐ Chapter 13

☐ Check if this is an amended filing

Official Form 101

Voluntary Petition for Individuals Filing for Bankruptcy

04/20

The bankruptcy forms use *you* and *Debtor 1* to refer to a debtor filing alone. A married couple may file a bankruptcy case together—called a *joint* case—and in joint cases, these forms use *you* to ask for information from both debtors. For example, if a form asks, “Do you own a car,” the answer would be *yes* if either debtor owns a car. When information is needed about the spouses separately, the form uses *Debtor 1* and *Debtor 2* to distinguish between them. In joint cases, one of the spouses must report information as *Debtor 1* and the other as *Debtor 2*. The same person must be *Debtor 1* in all of the forms.

Be as complete and accurate as possible. If two married people are filing together, both are equally responsible for supplying correct information. If more space is needed, attach a separate sheet to this form. On the top of any additional pages, write your name and case number (if known). Answer every question.

Part 1: Identify Yourself

About Debtor 1:

About Debtor 2 (Spouse Only in a Joint Case):

1. Your full name

Write the name that is on your government-issued picture identification (for example, your driver's license or passport).

Bring your picture identification to your meeting with the trustee.

Benjamin

First name

Joe

Middle name

Giron

Last name

Suffix (Sr., Jr, II, III)

First name

Middle name

Last name

Suffix (Sr., Jr, II, III)

2. All other names you have used in the last 8 years

Include your married or maiden names.

Ben

First name

Middle name

Giron

Last name

First name

Middle name

Last name

First name

Middle name

Last name

First name

Middle name

Last name

3. Only the last 4 digits of your Social Security number or federal Individual Taxpayer Identification number (ITIN)

xxx - xx - 2 8 6 5

OR

9xx - xx - ____ ____ ____ ____

xxx - xx - ____ ____ ____ ____

OR

9xx - xx - ____ ____ ____ ____

<div>4. Any business names and Employer Identification Numbers (EIN) you have used in the last 8 years</div> <div>Include trade names and <i>doing business as</i> names</div>	<div>About Debtor 1:</div> <div><input type="checkbox"/> I have not used any business names or EINs.</div> <div><div>5405 Montoya Dr. Group Home</div><div>Business name</div></div> <div><div>The Light House Foster Care Home</div><div>Business name</div></div> <div><div>83 - 0598929</div><div>EIN</div></div> <div><div></div><div>EIN</div></div> <div>See continuation page.</div>	<div>About Debtor 2 (Spouse Only in a Joint Case):</div> <div><input type="checkbox"/> I have not used any business names or EINs.</div> <div><div></div><div>Business name</div></div> <div><div></div><div>Business name</div></div> <div><div></div><div>EIN</div></div> <div><div></div><div>EIN</div></div>
<div>5. Where you live</div>	<div><div>5401 Montoya Dr.</div><div>Number Street</div></div> <div><div></div><div></div></div> <div><div>El Paso, TX 79932</div><div>City State ZIP Code</div></div> <div><div>El Paso</div><div>County</div></div> <div><div>If your mailing address is different from the one above, fill it in here. Note that the court will send any notices to you at this mailing address.</div></div> <div><div></div><div>Number Street</div></div> <div><div></div><div>P.O. Box</div></div> <div><div></div><div>City State ZIP Code</div></div>	<div><div>If Debtor 2 lives at a different address:</div></div> <div><div></div><div>Number Street</div></div> <div><div></div><div></div></div> <div><div></div><div>City State ZIP Code</div></div> <div><div></div><div>County</div></div> <div><div>If Debtor 2's mailing address is different from yours, fill it in here. Note that the court will send any notices to you at this mailing address.</div></div> <div><div></div><div>Number Street</div></div> <div><div></div><div>P.O. Box</div></div> <div><div></div><div>City State ZIP Code</div></div>
<div>6. Why you are choosing this district to file for bankruptcy</div>	<div>Check one:</div> <div><input checked="" type="checkbox"/> Over the last 180 days before filing this petition, I have lived in this district longer than in any other district.</div> <div><input type="checkbox"/> I have another reason. Explain. (See 28 U.S.C. § 1408)</div> <div><div></div><div></div><div></div><div></div></div>	<div>Check one:</div> <div><input type="checkbox"/> Over the last 180 days before filing this petition, I have lived in this district longer than in any other district.</div> <div><input type="checkbox"/> I have another reason. Explain. (See 28 U.S.C. § 1408)</div> <div><div></div><div></div><div></div><div></div></div>

Part 2: Tell the Court About Your Bankruptcy Case

7. The chapter of the Bankruptcy Code you are choosing to file under

Check one. (For a brief description of each, see *Notice Required by 11 U.S.C. § 342(b) for Individuals Filing for Bankruptcy* (Form 2010)). Also, go to the top of page 1 and check the appropriate box.

☐ Chapter 7
 ☒ Chapter 11
 ☐ Chapter 12
 ☐ Chapter 13

8. How you will pay the fee

☒ I will pay the entire fee when I file my petition. Please check with the clerk's office in your local court for more details about how you may pay. Typically, if you are paying the fee yourself, you may pay with cash, cashier's check, or money order. If your attorney is submitting your payment on your behalf, your attorney may pay with a credit card or check with a pre-printed address.

☐ I need to pay the fee in installments. If you choose this option, sign and attach the *Application for Individuals to Pay The Filing Fee in Installments* (Official Form 103A).

☐ I request that my fee be waived (You may request this option only if you are filing for Chapter 7. By law, a judge may, but is not required to, waive your fee, and may do so only if your income is less than 150% of the official poverty line that applies to your family size and you are unable to pay the fee in installments). If you choose this option, you must fill out the *Application to Have the Chapter 7 Filing Fee Waived* (Official Form 103B) and file it with your petition.

9. Have you filed for bankruptcy within the last 8 years?

☐ No.

☒ Yes.

District	Western District of Texas	When	08/29/2019	Case number	20-30966
			MM / DD / YYYY		
District	Western District of Texas	When	11/02/2019	Case number	20-31151
			MM / DD / YYYY		
District		When		Case number	
			MM / DD / YYYY		

10. Are any bankruptcy cases pending or being filed by a spouse who is not filing this case with you, or by a business partner, or by an affiliate?

☐ No.

☒ Yes.

Debtor	Giron, Benjamin Joe	Relationship to you	
District	Western District of Texas	When	02/01/2021
			MM / DD / YYYY
Case number, if known	21-30067		
Debtor		Relationship to you	
District		When	
			MM / DD / YYYY
Case number, if known			

11. Do you rent your residence?

☒ No. Go to line 12.

☐ Yes. Has your landlord obtained an eviction judgment against you?

☐ No. Go to line 12.

☐ Yes. Fill out *Initial Statement About an Eviction Judgment Against You* (Form 101A) and file it as part of this bankruptcy petition.

Part 3: Report About Any Businesses You Own as a Sole Proprietor

12. Are you a sole proprietor of any full- or part-time business?

A sole proprietorship is a business you operate as an individual, and is not a separate legal entity such as a corporation, partnership, or LLC.

If you have more than one sole proprietorship, use a separate sheet and attach it to this petition.

- ☐ No. Go to Part 4.
- ☒ Yes. Name and location of business

5405 Montoya Dr. Group Home

Name of business, if any

5405 Montoya Dr.

NumberStreet

El PasoTX79932

CityStateZIP Code

Check the appropriate box to describe your business:

- ☒ Health Care Business (as defined in 11 U.S.C. § 101(27A))
- ☐ Single Asset Real Estate (as defined in 11 U.S.C. § 101(51B))
- ☐ Stockbroker (as defined in 11 U.S.C. § 101(53A))
- ☐ Commodity Broker (as defined in 11 U.S.C. § 101(6))
- ☐ None of the above

13. Are you filing under Chapter 11 of the Bankruptcy Code, and are you a small business debtor or a debtor as defined by 11 U.S.C. § 1182(1)?

For a definition of *small business debtor*, see 11 U.S.C. § 101(51D).

If you are filing under Chapter 11, the court must know whether you are a small business debtor or a debtor choosing to proceed under Subchapter V so that it can set appropriate deadlines. If you indicate that you are a small business debtor or you are choosing to proceed under Subchapter V, you must attach your most recent balance sheet, statement of operations, cash-flow statement, and federal income tax return or if any of these documents do not exist, follow the procedure in 11 U.S.C. § 1116(1)(B).

- ☐ No. I am not filing under Chapter 11.
- ☐ No. I am filing under Chapter 11, but I am NOT a small business debtor according to the definition in the Bankruptcy Code.
- ☐ Yes. I am filing under Chapter 11, I am a small business debtor according to the definition in the Bankruptcy Code, and I do not choose to proceed under Subchapter V of Chapter 11.
- ☒ Yes. I am filing under Chapter 11, I am a debtor according to the definition in § 1182(1) of the Bankruptcy Code, and I choose to proceed under Subchapter V of Chapter 11.

Part 4: Report if You Own or Have Any Hazardous Property or Any Property That Needs Immediate Attention

14. Do you own or have any property that poses or is alleged to pose a threat of imminent and identifiable hazard to public health or safety? Or do you own any property that needs immediate attention?

For example, do you own perishable goods, or livestock that must be fed, or a building that needs urgent repairs?

- ☒ No.
- ☐ Yes. What is the hazard? _____

If immediate attention is needed, why is it needed? _____

Where is the property?

NumberStreet

CityStateZIP Code

Part 5: Explain Your Efforts to Receive a Briefing About Credit Counseling**15. Tell the court whether you have received a briefing about credit counseling.**

The law requires that you receive a briefing about credit counseling before you file for bankruptcy. You must truthfully check one of the following choices. If you cannot do so, you are not eligible to file.

If you file anyway, the court can dismiss your case, you will lose whatever filing fee you paid, and your creditors can begin collection activities again.

About Debtor 1:

You must check one:

- ☒ **I received a briefing from an approved credit counseling agency within the 180 days before I filed this bankruptcy petition, and I received a certificate of completion.**

Attach a copy of the certificate and the payment plan, if any, that you developed with the agency.

- ☐ **I received a briefing from an approved credit counseling agency within the 180 days before I filed this bankruptcy petition, but I do not have a certificate of completion.**

Within 14 days after you file this bankruptcy petition, you **MUST** file a copy of the certificate and payment plan, if any.

- ☐ **I certify that I asked for credit counseling services from an approved agency, but was unable to obtain those services during the 7 days after I made my request, and exigent circumstances merit a 30-day temporary waiver of the requirement.**

To ask for a 30-day temporary waiver of the requirement, attach a separate sheet explaining what efforts you made to obtain the briefing, why you were unable to obtain it before you filed for bankruptcy, and what exigent circumstances required you to file this case.

Your case may be dismissed if the court is dissatisfied with your reasons for not receiving a briefing before you filed for bankruptcy.

If the court is satisfied with your reasons, you must still receive a briefing within 30 days after you file.

You must file a certificate from the approved agency, along with a copy of the payment plan you developed, if any. If you do not do so, your case may be dismissed.

Any extension of the 30-day deadline is granted only for cause and is limited to a maximum of 15 days.

- ☐ **I am not required to receive a briefing about credit counseling because of:**

☐ **Incapacity.** I have a mental illness or a mental deficiency that makes me incapable of realizing or making rational decisions about finances.

☐ **Disability.** My physical disability causes me to be unable to participate in a briefing in person, by phone, or through the internet, even after I reasonably tried to do so.

☐ **Active duty.** I am currently on active military duty in a military combat zone.

If you believe you are not required to receive a briefing about credit counseling, you must file a motion for waiver of credit counseling with the court.

About Debtor 2 (Spouse Only in a Joint Case):

You must check one:

- ☐ **I received a briefing from an approved credit counseling agency within the 180 days before I filed this bankruptcy petition, and I received a certificate of completion.**

Attach a copy of the certificate and the payment plan, if any, that you developed with the agency.

- ☐ **I received a briefing from an approved credit counseling agency within the 180 days before I filed this bankruptcy petition, but I do not have a certificate of completion.**

Within 14 days after you file this bankruptcy petition, you **MUST** file a copy of the certificate and payment plan, if any.

- ☐ **I certify that I asked for credit counseling services from an approved agency, but was unable to obtain those services during the 7 days after I made my request, and exigent circumstances merit a 30-day temporary waiver of the requirement.**

To ask for a 30-day temporary waiver of the requirement, attach a separate sheet explaining what efforts you made to obtain the briefing, why you were unable to obtain it before you filed for bankruptcy, and what exigent circumstances required you to file this case.

Your case may be dismissed if the court is dissatisfied with your reasons for not receiving a briefing before you filed for bankruptcy.

If the court is satisfied with your reasons, you must still receive a briefing within 30 days after you file.

You must file a certificate from the approved agency, along with a copy of the payment plan you developed, if any. If you do not do so, your case may be dismissed.

Any extension of the 30-day deadline is granted only for cause and is limited to a maximum of 15 days.

- ☐ **I am not required to receive a briefing about credit counseling because of:**

☐ **Incapacity.** I have a mental illness or a mental deficiency that makes me incapable of realizing or making rational decisions about finances.

☐ **Disability.** My physical disability causes me to be unable to participate in a briefing in person, by phone, or through the internet, even after I reasonably tried to do so.

☐ **Active duty.** I am currently on active military duty in a military combat zone.

If you believe you are not required to receive a briefing about credit counseling, you must file a motion for waiver of credit counseling with the court.

Part 6: Answer These Questions for Reporting Purposes

16. What kind of debts do you have?

16a. Are your debts primarily consumer debts? *Consumer debts* are defined in 11 U.S.C. § 101(8) as "incurred by an individual primarily for a personal, family, or household purpose."

- ☒ No. Go to line 16b.
☐ Yes. Go to line 17.

16b. Are your debts primarily business debts? *Business debts* are debts that you incurred to obtain money for a business or investment or through the operation of the business or investment.

- ☐ No. Go to line 16c.
☒ Yes. Go to line 17.

16c. State the type of debts you owe that are not consumer debts or business debts.

17. Are you filing under Chapter 7?

☒ No. I am not filing under Chapter 7. Go to line 18.

Do you estimate that after any exempt property is excluded and administrative expenses are paid that funds will be available for distribution to unsecured creditors?

- ☐ Yes. I am filing under Chapter 7. Do you estimate that after any exempt property is excluded and administrative expenses are paid that funds will be available to distribute to unsecured creditors?
☐ No
☐ Yes

18. How many creditors do you estimate that you owe?

- ☒ 1-49 ☐ 1,000-5,000 ☐ 25,001-50,000 ☐ 50,000-100,000 ☐ More than 100,000
☐ 50-99 ☐ 5,001-10,000
☐ 100-199 ☐ 10,001-25,000
☐ 200-999

19. How much do you estimate your assets to be worth?

- ☐ \$0-\$50,000 ☐ \$1,000,001-\$10 million ☐ \$500,000,001-\$1 billion
☐ \$50,001-\$100,000 ☐ \$10,000,001-\$50 million ☐ \$1,000,000,001-\$10 billion
☒ \$100,001-\$500,000 ☐ \$50,000,001-\$100 million ☐ \$10,000,000,001-\$50 billion
☐ \$500,001-\$1 million ☐ \$100,000,001-\$500 million ☐ More than \$50 billion

20. How much do you estimate your liabilities to be?

- ☐ \$0-\$50,000 ☐ \$1,000,001-\$10 million ☐ \$500,000,001-\$1 billion
☐ \$50,001-\$100,000 ☐ \$10,000,001-\$50 million ☐ \$1,000,000,001-\$10 billion
☒ \$100,001-\$500,000 ☐ \$50,000,001-\$100 million ☐ \$10,000,000,001-\$50 billion
☐ \$500,001-\$1 million ☐ \$100,000,001-\$500 million ☐ More than \$50 billion

Part 7: Sign Below

For you

I have examined this petition, and I declare under penalty of perjury that the information provided is true and correct.

If I have chosen to file under Chapter 7, I am aware that I may proceed, if eligible, under Chapter 7, 11, 12, or 13 of title 11, United States Code. I understand the relief available under each chapter, and I choose to proceed under Chapter 7.

If no attorney represents me and I did not pay or agree to pay someone who is not an attorney to help me fill out this document, I have obtained and read the notice required by 11 U.S.C. § 342(b).

I request relief in accordance with the chapter of title 11, United States Code, specified in this petition.

I understand making a false statement, concealing property, or obtaining money or property by fraud in connection with a bankruptcy case can result in fines up to \$250,000, or imprisonment for up to 20 years, or both. 18 U.S.C. §§ 152, 1341, 1519, and 3571.

X **/s/ Benjamin Joe Giron**

Benjamin Joe Giron, Debtor 1

Executed on **02/02/2021**
 MM/ DD/ YYYY

For your attorney, if you are represented by one

If you are not represented by an attorney, you do not need to file this page.

I, the attorney for the debtor(s) named in this petition, declare that I have informed the debtor(s) about eligibility to proceed under Chapter 7, 11, 12, or 13 of title 11, United States Code, and have explained the relief available under each chapter for which the person is eligible. I also certify that I have delivered to the debtor(s) the notice required by 11 U.S.C. § 342(b) and, in a case in which § 707(b)(4)(D) applies, certify that I have no knowledge after an inquiry that the information in the schedules filed with the petition is incorrect.

X

/s/ Timothy V. Daniel

Signature of Attorney for Debtor

Date

02/02/2021

MM / DD / YYYY

Timothy V. Daniel

Printed name

Timothy V. Daniel, PC

Firm name

603 Mississippi Ave.

Number Street

El Paso

TX

79902

City

State

ZIP Code

Contact phone

(915) 487-0072

Email address

tim@timvdaniel.com

24052043

TX

Bar number

State

Debtor 1 Benjamin Joe Giron
First Name Middle Name Last Name

Case number (if known) _____

Additional Items: Continuation Page

About Debtor 1: About Debtor 2 (Spouse Only in a Joint Case):

4. Any business names and Employer Identification Numbers (EIN) you have used in the last 8 years (cont)
Include trade names and *doing business as* names

Light House Senior Care Home, LLC
Business name

Melendres Home, LLC
Business name

12. Are you a sole proprietor of any full- or part-time business? (cont.)

The Light House Foster Care Home
Name of business, if any

6024 Belmar Ave.
Number Street

El Paso TX 79912
City State ZIP Code

Check the appropriate box to describe your business:

☒ Health Care Business (as defined in 11 U.S.C. § 101(27A))

☐ Single Asset Real Estate (as defined in 11 U.S.C. § 101(51B))

☐ Stockbroker (as defined in 11 U.S.C. § 101(53A))

☐ Commodity Broker (as defined in 11 U.S.C. § 101(6))

☐ None of the above

**IN THE UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF TEXAS
EL PASO DIVISION**

IN RE: **Giron, Benjamin Joe**

CASE NO

CHAPTER 11

VERIFICATION OF CREDITOR MATRIX

The above named Debtor hereby verifies that the attached list of creditors is true and correct to the best of his/her knowledge.

Date 02/02/2021 Signature /s/ Benjamin Joe Giron
Benjamin Joe Giron, Debtor

**American Express National
Bank**

Becket & Lee LP
Po Box 3001
Malvern, PA 19355-0701

Applied Bank

4700 Court
Boca Raton, FL 33431

Capital One (USA), N.A.

4514 N Santa Fe Ave
Oklahoma City, OK 73118

CBNA

Attn: Centralized Bankruptcy
Po Box 790034
Saint Louis, MO 63179-0034

CBUSASEARS

PO Box 6217
Sioux Falls, SD 57117

Cheryl Davis

The Law Office of Cheryl S. Davis, PC
11601 Pellicano Dr Ste B18
El Paso, TX 79936-6056

Comenity Bank/Express

Attn: Bankruptcy
PO Box 182125
Columbus, OH 43218

Stuart Cox

1760 N Lee Trevino Dr Ste A
El Paso, TX 79936-4566

Credit One Bank
PO Box 98872
Las Vegas, NV 89193

Equity Trust Company
Custodian FBO Charles J. Horak, Jr.
8900 Mettler Dr
El Paso, TX 79925-4047

First National Bank/Legacy
Attn: Bankruptcy
PO Box 5097
Sioux Falls, SD 57117-5097

First Premier Bank
PO Box 5524
Sioux Falls, SD 57117

Fortiva Credit Card
Attn: Bankruptcy
PO Box 105555
Atlanta, GA 30348

GECU/Government
Employees Credit Union
Attn: Bankruptcy
Po Box 20998
El Paso, TX 79998-0998

Benjamin Joe Giron
5401 Montoya Dr.
El Paso, TX 79932

Internal Revenue Service
PO Box 7317
Philadelphia, PA 19101

Internal Revenue Service
Po Box 7346
Philadelphia, PA 19101-7346

L&M Okubo Management &
Services, LLC
4171 N Mesa St Ste B-201
El Paso, TX 79902-1431

LVNV Funding, LLC
Po Box 10587
Greenville, SC 29603-0587

McKenzie Paul & Associates
111 W Anderson Ln Ste E350
Austin, TX 78752-1136

MDJJ Real Estate, LLC
5862 Cromo Dr. Ste 100
El Paso, TX 79912

Portfolio Recovery
Associates, LLC
Po Box 12914
Norfolk, VA 23541-0914

Portfolio Recovery
Associates, LLC
POB 41067
Norfolk, VA 23541

Portfolio Recovery
Associates, LLC
Po Box 41067
Norfolk, VA 23541-1067

Quantum3 Group
As agent for MOMA Trust LLC
Po Box 2489
Kirkland, WA 98083-2489

Quantum3 Group
Po Box 788
Kirkland, WA 98083-0788

Lane C. Reedman
Trustee
4171 North Mesa Ste B-201
El Paso, TX 79902

Regional Financial
500 N Oregon
El Paso, TX 79901

Regional Management
Corporation
979 Batesville Road Ste B
Greer, SC 29651

Synchrony Bank
Attn: Bankruptcy
PO Box 965060
Orlando, FL 32896

TRS Recovery Services, Inc.
1600 Terrell Mill Rd Se
Marietta, GA 30067-8302

United States Trustee
615 E. Houston Suite 533
San Antonio, TX 78205

Uprising Investments

5862 Cromo Dr. Ste 100

El Paso, TX 79912

VW Credit, Inc.

PO Box 3

Hillsboro, OR 97123

Westar Pacific Mortgage

PO Box 32950

Phoenix, AZ 85064